

Gathering Information

Determining information that is relevant to the investigation and how the investigator can obtain that information.

MCL 552. 505(1)(d) provides that the friend of the court is “to investigate all relevant facts, and to make a written report and recommendation to the parties and to the court regarding child custody or parenting time, or both....” To complete a thorough report, it is necessary to gather information from multiple sources and to verify the information provided. The investigator should review the pleadings and other statements of the parents to determine what information is likely to be needed in the investigation.¹ For instance, the investigation that follows from a pleading that avers that a child is exposed to controlled substances with one parent may be quite different than one that avers that a child is not being raised in his faith. The investigator should immediately secure the signatures on the proper release forms from the parents. Examples of release forms can be viewed in the Appendix 3. After obtaining signatures on the release forms, the investigator should consider carefully who should be interviewed and what agencies should be contacted to complete the investigation.

Considerations for the Investigator:

- Is it necessary to schedule a home call? Home inspections should be conducted only for cases where there is a question of whether one or both homes do not meet the minimum standards of health and safety necessary to maintain the children.

Practice Tip: Home inspections are primarily comparative studies. An investigator’s function is to weigh the merits and deficiencies of physical environments proposed by each competing parent and give the advantage on that basis.

- What interviews should be conducted with individuals who have had direct observation of the child and the parents, including interactions between them?

¹ Not every issue will need to be investigated with the same zeal. *McCain v McCain*, 229 Mich App 123 (1998) (When the parties have viewed a particular issue as having a significant magnitude, it is proper to give the issue more weight.).

Some examples:

- ▶ Teachers
 - ▶ School Officials
 - ▶ Coaches
 - ▶ Day Care Providers
 - ▶ Neighbors
 - ▶ Scout Leaders
 - ▶ Counselors
 - ▶ Doctors
 - ▶ Probation/Parole Officers
 - ▶ Protective Service Workers
 - ▶ Church Youth Group Leaders
 - ▶ Family Friends
- Which reports and documents will provide the investigator with additional information useful to complete the report?
Some examples:
 - ▶ School Records
 - ▶ Child Protective Service Reports
 - ▶ Police Reports-with a Criminal History
 - ▶ Court Records
 - ▶ Income Verification-Copies of Paychecks, Tax Returns, and Child Support Payment Histories
 - ▶ Medical Records
 - ▶ Counseling Records
 - Is it necessary to schedule a time to observe the interactions between the child and the parent?
 - If either parent has another friend of the court case, should that case be reviewed for additional information (e.g., indications of abuse, denial of parenting time)?
 - Is it necessary to secure an administrative or judicial subpoena to gather information?

Practice Tip: Gathering documents, and interviewing individuals outside the family assists in the verification of information the parents have provided. It is critical that you secure a release form from each parent, and then identify what sources of information would be most beneficial to the court.